

550 Yarbrough Dr.

City of El Paso — Plan Commission — 9/20/2018



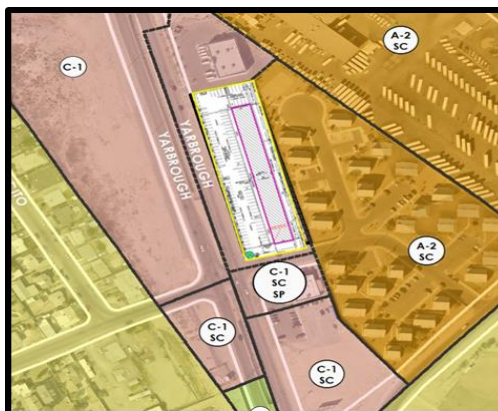
PZCR18-00004

Condition Release

STAFF CONTACT:	Adriana Martinez, 915-212-1611, Martinezad@elpasotexas.gov
OWNERS:	River Oaks Properties LTD.
REPRESENTATIVE:	SLI Engineering, Inc.
LOCATION:	550 Yarbrough Rd., District 7
LEGAL DESCRIPTION:	A portion of Lot 1, Block 1, Yarbrough Village, an addition to the City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-1/sc (Commercial/special contract)
REQUEST:	To release all conditions imposed by Ordinance No. 7422, dated on March 2, 1982
RELATED APPLICATIONS:	PZST18-00010 & PZRZ18-00032
PUBLIC INPUT	Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on September 6, 2018.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to release all conditions imposed on the subject property Ordinance No. 7422, dated on March 2, 1982. Two related applications for a rezoning (PZRZ18-00032) & a Special Permit (PZST18-00010) have also been submitted for the property located at 550 Yarbrough Dr. This case is related to special permit (PZST18-00010) & rezoning (PZRZ18-00032).

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the Condition Release request of all conditions by Ordinance No. 7422, dated on March 2, 1982. Staff finds that the conditions have been met, are no longer applicable, and that the proposed development has no adverse effect on the safety and general welfare of the subject property's established neighborhood and the City as a whole. The proposed development as depicted is consistent with development in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-3, Post-war land use designation of Plan El Paso, in the Mission Valley Planning area.

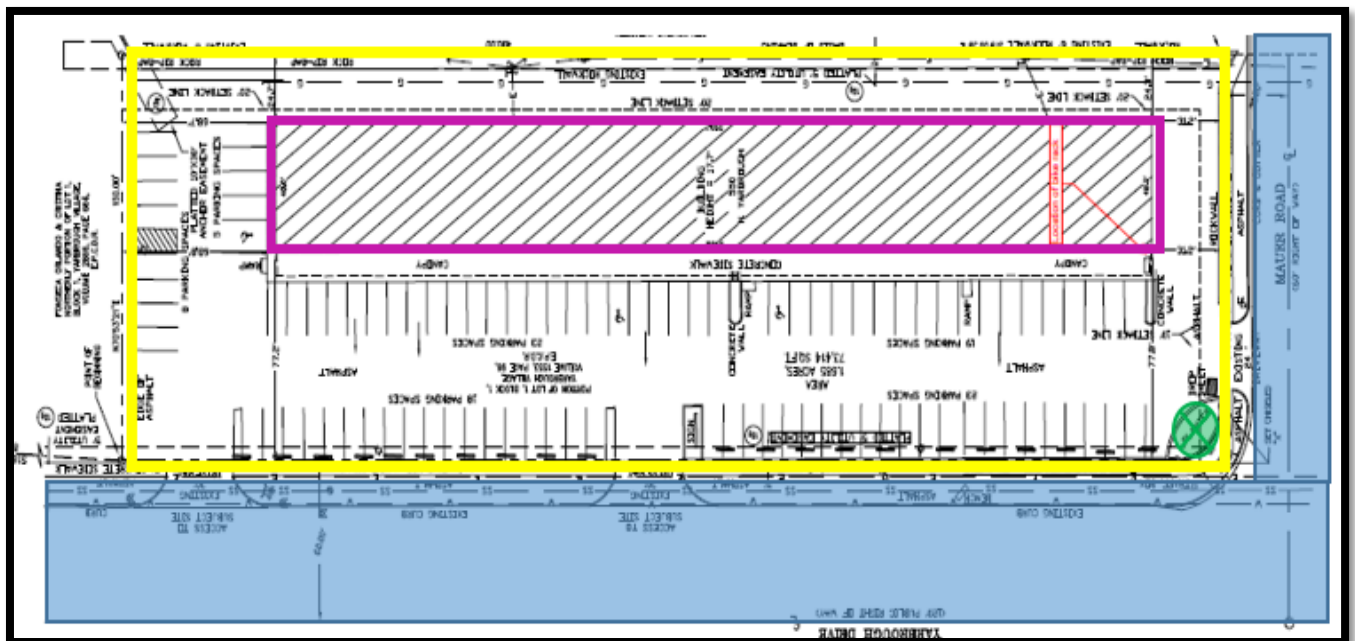


DESCRIPTION OF REQUEST

The applicant has submitted a Condition Release to release all conditions imposed by Ordinance No. 7422, dated on March 2, 1982 for the property located at 550 Yarbrough Dr. The subject property is currently required to comply with the special contract provisions imposed by such ordinance, which states in part:

1. No building permits shall be issued for the property until a subdivision plat of the property has been approved by the City Plan Commission and filed for record. **(Satisfied)**
2. No bar, private club or other establishment where alcoholic beverages are sold for consumption on the premises shall be permitted on the property.
3. No adult bookstore, adult motion picture theater or nude live entertainment club shall be permitted on the property. **(Not applicable)**
4. No certificate of occupancy and compliance shall be issued by the City for any building constructed on the property until First Party has, at no cost to the City, done the following:
 - a. Installed curbs, gutters and asphalt paving on both sides of Lafayette Drive adjacent to First Party's property. **(Satisfied)**
 - b. Installed concrete sidewalks along the boundary of the property which is adjacent to Yarbrough Drive. **(Satisfied)**

The existing building was constructed in 1985. The development complies with setbacks required for the proposed C-2 (Commercial) zone district. The development proposes tenant improvement for an existing commercial shopping center. The development requires a minimum of 65 parking spaces of which the proposed development has provided 96 to include 3 bicycle racks. The development is also in compliance with Title 18 of the Landscaping Ordinance. Access to the subject property is from Yarbrough Dr. & Maurer Rd.



RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-3 – Post-war: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns with- out alleys and shopping centers are located at major inter- sections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes, the lot sits within the Mission Valley Plan Area of Plan El Paso the purpose of this project is to maximize the potential of the subject property, which is proposes to introduce new uses to an existing commercial development.
ZONING DISTRICT	DOES IT COMPLY?
C-2 (Commercial). As a Community Commercial District, the purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.	Yes, a ballroom is a permissible use in the C-2 (Commercial) district with the approval of a rezoning (PZRZ18-00032) request from C-1 (Commercial) to C-2 (Commercial) and a special permit (PZST18-00010).
POLICY	DOES IT COMPLY?
1.2.3 "Vacant and underutilized parcels in and around the City's traditional neighborhoods can be excellent locations for redevelopment that adds housing, shopping, employment, entertainment, and recreational options for nearby residents and transit patrons. Redevelopment of such sites should mesh with the scale and character of these existing neighborhoods rather than imposing a suburban or high-rise model on traditional neighborhoods. The City's zoning and development regulations should be modified accordingly. Additional infill incentives should be considered by the City".	Yes, the applicant is proposing the redevelopment of an existing parcel, adding additional uses, and the potential for new employment.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot is 1.685 acres in size. The proposed development site proposes the redevelopment of an existing parcel, adding additional uses, and the potential for new employment.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The purpose of a C-2 (Commercial) district is for establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-

neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity.

The G-3, Post-war sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns with- out alleys and shopping centers are located at major inter- sections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There is an existing 8-inch diameter water main extending along the eastside of Yarbrough Dr., approximately 19-feet west of and parallel to the eastern right-of-way line of Yarbrough Dr. This water main is available for service.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Mission Valley Civic area & Lomaland Neighborhood Association which has been contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 6, 2018. Planning has not received any communication in support or opposition to the condition release request.

STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

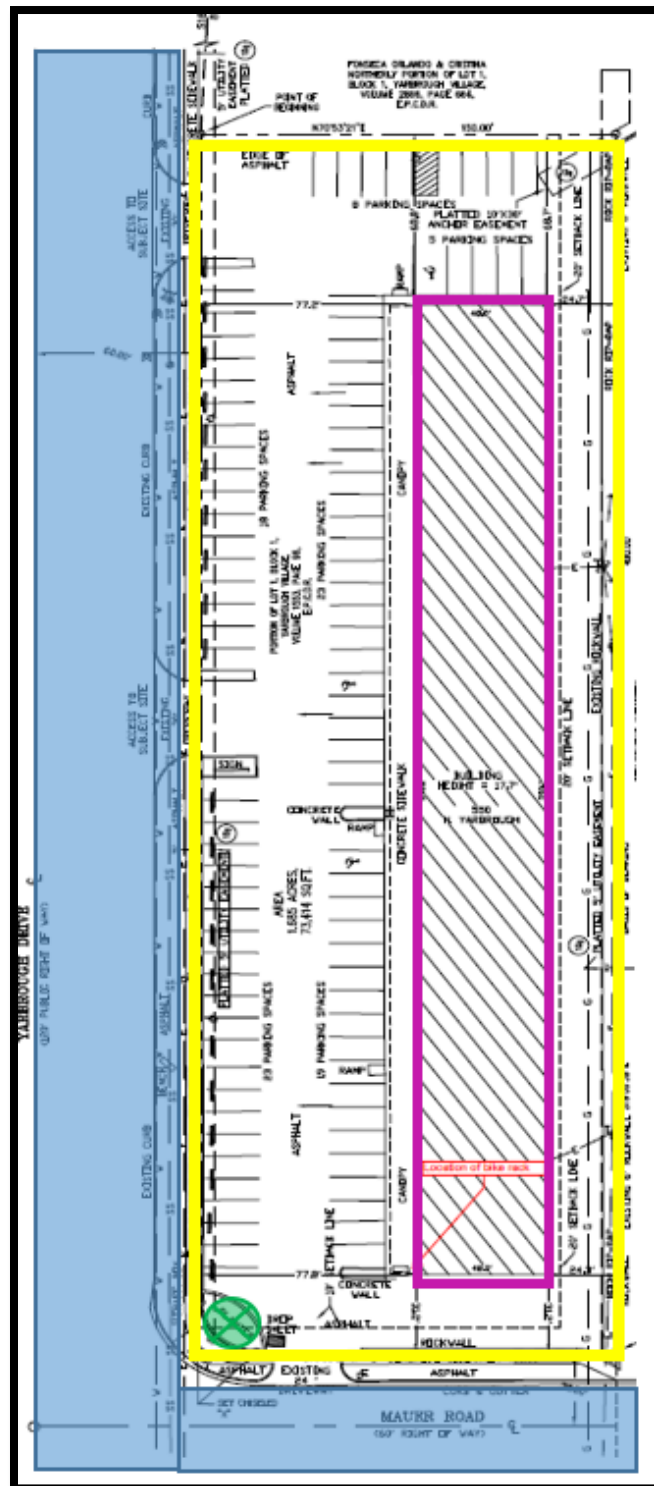
OTHER APPLICABLE FACTORS: Approval of the detailed site plan by the City Plan Commission constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

1. Detailed Site Development Plan
2. Zoning Map
3. Future Land Use Map
4. Ordinance No. 7422, dated on March 2, 1982
5. Department Comments
6. Public Notification Boundary Map

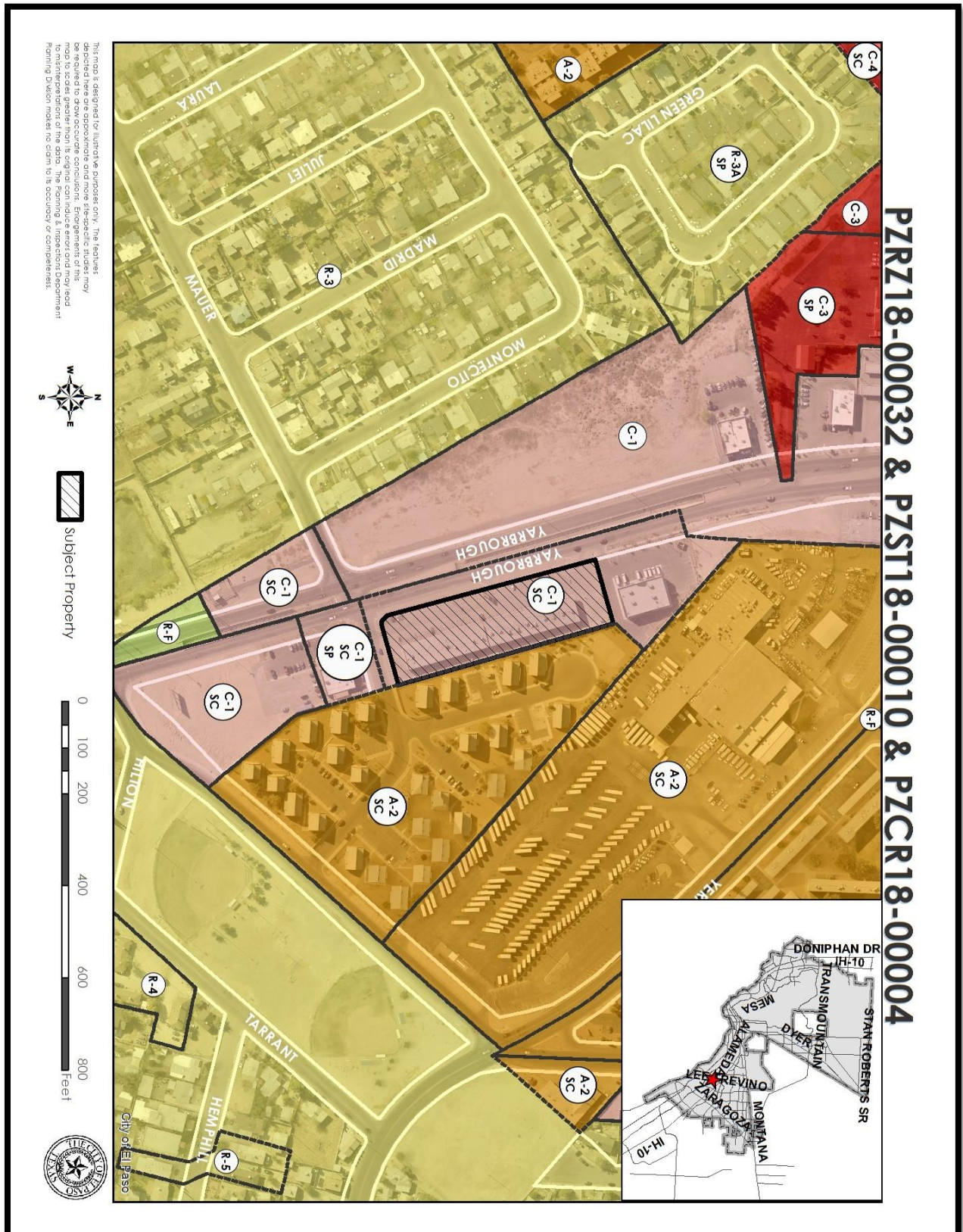
ATTACHMENT 1

Detailed Site Development Plan



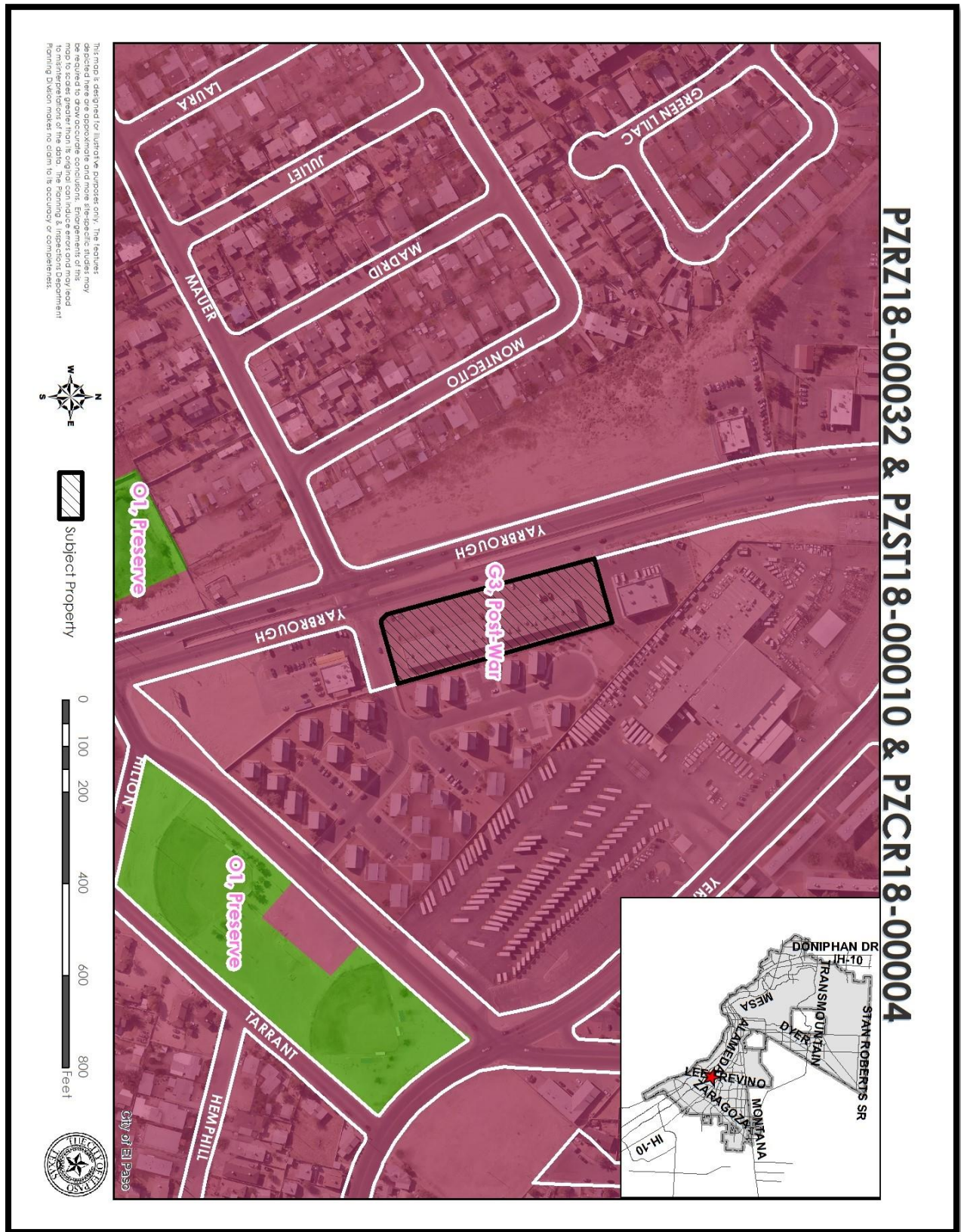
ATTACHMENT 2

Zoning Map



ATTACHMENT 3

Future Land Use Map



ATTACHMENT 4
Ordinance No. 7422
Dated on March 2, 1982

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACT 2C5, BLOCK 6,
ASCARATE GRANT SURVEYS, THE PENALTY
BEING AS PROVIDED IN SECTION 25-96
OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Tract 2C5, Block 6, Ascarate Grant Surveys, as more particularly described below, be changed to C-1 (Commercial) District within the meaning of the zoning ordinance and the zoning map of the City be revised accordingly:

The parcel of land herein described is a portion of Tract 2C5, Block 6, Ascarate Grant, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point, said point being an existing city monument lying on the centerline intersection of Williamette Drive and Yarbrough Drive; Thence, south 10°08'57" east, a distance of 648.90 feet to a point; Thence, north 70°53'21" east, a distance of 60.00 feet to a point lying on the north-easterly right of way line of Yarbrough Drive, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, north, 02°33'42" east, along the boundary line of Block 34, Sageland Addition, Section 2, Second Replat, a distance of 143.42 feet to a point for a corner, said point lying on the southwesterly boundary line of Tract 2C, Block 6, Ascarate Grant;

THENCE, south 51°29'00" east, along said boundary line, a distance of 316.56 feet to a point for a corner;

THENCE, south 38°31'00" west, a distance of 85.79 feet to a point for a corner;

THENCE, south 19°06'39" east, a distance of 714.34 feet to a point for a corner;

THENCE, south 41°09'33" east, a distance of 205.00 feet to a point for a corner;

THENCE, south 38°31'00" west, a distance of 261.58 feet to a point for a corner;

THENCE, north 60°22'00" west, a distance of 9.15 feet to a point for a corner, said point lying on the northeasterly right of way line of Yarbrough Drive;

THENCE, north 19°06'39" west, along said right of way line, a distance of 1217.54 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 4.61663 acres (201,100.37 sq. ft.) of land more or less.

PASSED AND APPROVED this 2nd day of MARCH, 1982.

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

[Signature]

I certify that the zoning map has been revised to reflect the amendment of ordinance #7422.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract by and between the City of El Paso and Rubin Investments, a Texas General Partnership and Surety Savings Association, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 7422.

ADOPTED this 2nd day of March, 1982.

Mayor

ATTEST:

City Clerk

81-4723

APR 5 1982

CONTRACT

THIS CONTRACT, made this 10 day of Feb, 1982,
by and between RUBIN INVESTMENTS, a Texas general partnership composed
of LOUIS J. RUBIN, GERALD J. RUBIN, BYRON H. RUBIN, IRVIN I. RUBIN,
and JAY M. RUBIN, First Party, SURETY SAVINGS ASSOCIATION, Second
Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning
of a portion of Tract 2C5, Block 6, Ascarate Grant Surveys, City
of El Paso, El Paso County, Texas, such property being more parti-
cularly described in Ordinance No. 7422, now pending before the
City Council of the City of El Paso, a copy of which is attached
hereto and made a part hereof by reference. To remove certain
objections to such rezoning, First Party covenants that if the
property is rezoned to C-1 (Commercial) District within the meaning
of the zoning ordinance of the City of El Paso, it shall be subject
to the following restrictions, conditions and covenants:

1. No building permits shall be issued for the property
until a subdivision plat of the property has been approved by the
City Plan Commission and filed for record.
2. No bar, private club or other establishment where alcoholic
beverages are sold for consumption on the premises shall be permitted
on the property.
3. No adult bookstore, adult motion picture theater or nude
live entertainment club shall be permitted on the property.
4. No certificates of occupancy and compliance shall be
issued by the City for any building constructed on the property
until First Party has, at no cost to the City, done the following:
 - (a) Installed curbs, gutters and asphalt paving on both
sides of Lafayette Drive adjacent to First Party's
property.
 - (b) Installed concrete sidewalks along the boundary of
the property which is adjacent to Yarbrough Drive.
5. All such curbs, gutters, paving and sidewalks shall be
installed and constructed in accordance with plans and specifica-
tions to be approved by the City Engineer of the City of El Paso

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and the City Engineer must certify that such improvements have been satisfactorily completed before certificates of occupancy and compliance shall be issued.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain these restrictions, conditions and covenants and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Party is the owner and holder of recorded liens on the above described property and consents to this contract.

WITNESS the following signatures and seals:

RUBIN INVESTMENTS, a Texas general partnership

By 
Gerald J. Rubin, Managing Partner


SURETY SAVINGS ASSOCIATION

By 
President
R. T. DEMPSEY

ATTEST:


Asst Secretary

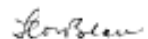
THE CITY OF EL PASO

By 
Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


Assistant City Attorney

81-4723

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 10th day of February, 1982 by GERALD J. RUBIN, Managing Partner, on behalf of RUBIN INVESTMENTS, a Texas general partnership.

My Commission Expires:

12-31-84

J. S. Mays
Notary Public, State of Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 10th day of February, 1982 by E. T. DEMPSEY, President of SURETY SAVINGS ASSOCIATION, a corporation.

My Commission Expires:

CARIE L. FOOTE, Notary Public

in and for the State of Texas

My commission expires Feb. 4, 1984

Notary Public, State of Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____, 1982 by JONATHAN W. ROGERS, as Mayor of the CITY OF EL PASO.

My Commission Expires:

6/30/84

Belle Jean Branham
Notary Public, State of Texas

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TO

3/5/82
DATE

ZONING SECTION	
LAND PLANNING	
MAPPING SECTION ✓	3/5/82
E.D.P. SECTION	
SPECIAL PERMIT/SITE DEVELOP. PLAN	
MPO	

REPRODUCE:

RETURN TO
By (DATE)

ORDINANCE NO:

DATE:

CONTRACT:

CASE NO:

NOTES:

Note:
This parcel has now 2
contracts - The A-2 contract was
not removed. R. Forrester

ATTACHMENT 5

Department Comments

Planning and Inspections Department- Planning Division

No objections to rezoning.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - City Development & Permitting- Landscape

Recommended approval.

Planning and Inspections Department - Land Development

Recommended approval.

Sun Metro:

No objections to the proposed rezoning.

Subdivision Department:

A subdivision **replat is not required** for the property. The proposed development meets the requirement of the following exemptions in Title 19.

Note: 19.01.030 – Exemptions: The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with Section 19.37.100:

3. The sale by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted commercial lot within a commercial unit development;
4. Provided, however, that no additional right-of-way or public easements must be dedicated, or public utilities or roadway must constructed.

Please be advised that the definition of "commercial unit development" is as follows: a platted lot, zoned for commercial, manufacturing or industrial uses, which is further divided into more than one lot and where all additional lots are provided access to a public or private street through a private easement. The access shall be a parcel of land over which a private easement for road purposes, having a minimum paved width of twenty feet, is granted to all owners of property within the commercial unit development. In each instance the instrument creating such private easement, including the original agreement and any changes thereto resulting from the sale, lease or creation of additional lots, shall be held in perpetuity between all signatories, owners or lessees, to the agreement or their successors in interest, shall run with the land and be unseverable, and shall be duly recorded and filed with the office of the county clerk.

Fire Department

Recommends approval

Police Department

Recommended approval.

Note: We have concern with the noise emitted during events and during trash removal.

TxDot

No comment received.

Streets & Maintenance

Recommends approval

Note: We don't anticipate for the difference in peak hour trips to require a TIA.

El Paso Water Utilities

We have reviewed the property described above and provide the following comments:

1. EPWater does not object to this request

Water

2. There is an existing 8-inch diameter water main extending along the eastside of Yarbrough Dr., approximately 19-feet west of and parallel to the eastern right-of-way line of Yarbrough Dr. This water main is available for service.
3. EPWater records indicate one (1) 1-1/2 inch water meter serving the subject property. The service address for this meter is 550 Yarbrough Dr.
4. Previous water pressure from fire hydrant #5829 located on Yarbrough Drive approximately 850-feet southeast of Yermoland Drive, has yielded a static pressure of 100 psi, a residual pressure of 85 psi, and a discharge of 1,061 gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main extending along the eastside of Yarbrough Dr., approximately 9.5-feet west of and parallel to the eastern right-of-way line of Yarbrough Dr. This sanitary sewer main is available for service.

General:

6. EPWater - PSB requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 8 to 10 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within utility and PSB easements 24 hours a day, seven (7) days a week.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural stormwater management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

ATTACHMENT 6

Notification Map

